



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 266 – FRIDAY 12 JULY 2024

**AGORA ROOM
HUDSON BERRIMAH
4 BERRIMAH ROAD
BERRIMAH**

MEMBERS PRESENT: Suzanne Philip (Chair), Trevor Dalton, Athina Pascoe-Bell and Sarah Henderson

APOLOGIES: None

LEAVE OF ABSENCE: Elisha Harris

OFFICERS PRESENT: Margaret Macintyre (Secretary), Julie Hillier and Breanna Lusty (Development Assessment Services)

COUNCIL REPRESENTATIVE: Chris Tickner

Meeting opened at 10.30 am and closed at 11.30 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **SHOWROOM SALES IN A SINGLE STOREY BUILDING WITH REDUCED CAR**
PA2024/0120 **PARKING**

LOT 14828 (1) ROYSTONEA AVENUE, YARRAWONGA, TOWN OF
PALMERSTON

APPLICANT Cunnington Rosse Town Planning and Consulting

Applicant: Josh Larder and Brad Cunnington (Cunnington Rosse Town Planning and Consulting) attended.

Mr Larder tabled an amended car parking assessment and a car parking survey undertaken in the last couple of weeks.

RESOLVED
26/24

That, the Development Consent Authority vary the requirements of Clauses 5.2.4 (Car Parking) and 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 14828 (1) Roystonea Avenue, Yarrowonga, Town of Palmerston for the purpose of showroom sales in a single storey building with reduced car parking and end of trip facilities, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) a shower and changing facility as close as practical to the associated bicycle parking facilities;
 - (b) registered easements on the land; and
 - (c) uses of proposed and existing tenancies as defined in the NT Planning Scheme.
2. Prior to the endorsement of plans and prior to the commencement of works, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape concept plan and must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of

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stormwater and its discharge into the local underground stormwater system shall be submitted to and approved by the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics (where it impacts on the NT Government controlled road reserves, Crown Land Estate (where is impact on Crown land or a drainage easement in favour of the Territory) and/or City of Palmerston, to the satisfaction of the consent authority. Surface stormwater run-off from the site onto the Stuart Highway and Roystonea Avenue road reserves is not permitted.

4. Prior to the commencement of works, a traffic impact report is to be prepared by a suitably qualified traffic engineer in accordance with the Austroads Document Guide to Traffic Management Part 12: Integrated Transport Assessments for Developments, to the requirements of Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.
5. Prior to the commencement of works, a Waste Management Plan, including bin storage and screening design, in accordance with City of Palmerston's Waste Management Guidelines, shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
Please refer to notation 1 for further information.
9. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
10. Any intersection and / or road upgrade works required to accommodate the proposed development and within NT Government controlled road reserves shall be carried out by the developer, at the developer's cost, to

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the standards and requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.

11. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics (where it impacts on the NT Government controlled road reserves, Crown Land Estate (where is impact on Crown land or a drainage easement in favour of the Territory) and/or City of Palmerston, to the satisfaction of the consent authority.
12. No temporary access for construction purposes shall be permitted from the Stuart Highway and Roystonea Avenue road reserves. Construction and delivery vehicles shall not be parked on the Stuart Highway road reserve.
13. Any proposed work (including the provision or connection of services) within, or impacting upon the Stuart Highway and Roystonea Avenue road reserves shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.
14. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the developer will be obliged to sweep and clean material off the road.
15. Upon completion of any works within or impacting upon the Stuart Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Department of Infrastructure, Planning and Logistics.
16. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston, to the satisfaction of the consent authority
17. The loading and unloading of goods from vehicles must only be carried out on the land and within the designated loading bays, to the satisfaction of the consent authority
18. Where unfenced, the Stuart Highway and Roystonea Avenue road frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics' standards and requirements to the satisfaction to the consent authority.
19. Any reinstatement works required as a result of any damage or alterations caused to infrastructure or landscaping, must be undertaken by the applicant, to the technical standards of and at no cost to the City of

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Palmerston and/or Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

20. Before the use of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
21. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
22. The car parking shown on the endorsed plans must be available at all times for the exclusive use of occupants of the development and their visitors.
23. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
24. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
3. A "Permit to Work Within a Road Reserve" may be required from the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics before commencement of any work within the road reserve.
4. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message).
The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.

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5. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway or Roystonea Avenue traffic.
6. Any landscaping additional to the planning requirements and within the Stuart Highway or Roystonea Avenue road reserve shall be to the standards and approval of Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.
7. Designs and specifications for awnings within the Stuart Highway or Roystonea Avenue road reserve shall be submitted for approval from Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.
8. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 8936 4070 to determine if the proposed works are subject to the Act.
9. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>.
The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 (NTPS2020) applies to the land and showroom sales in a single storey building with reduced car parking and end of trip facilities requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable

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under Clause 1.8(1)(b)(ii)(2), therefore the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.

The application proposes variations to Clauses 5.2.4 (Car Parking) and 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC) of the NTPS2020.

Clause 5.2.4 (Car Parking)

The purpose of Clause 5.2.4.1 (Car Parking Space) is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site.

The Authority notes the assessment of Development Assessment Services (DAS), which concludes that the minimum number of required parking spaces for the proposed development is 173 and that there is an overall shortfall of 63 car parking spaces available.

Administratively, the consent authority may consent to a use or development that is not in accordance with sub-clause 4 of Clause 5.2.4.1 (Car Parking Space) if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:

- a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
- b) the provision of car parking spaces in the vicinity of the land;
- c) the availability of public transport in the vicinity of the land; and
- d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property;

In considering the reduction in the number of car parking spaces, the Authority notes an existing surplus of 110 car parking spaces, as previously taken into account in its previous determination of DP23/0049 for the purpose of a change of use from showroom sales to shop (tenancy C3 and C4), and DP22/0302, for the purpose of a change of use from showroom sales to leisure and recreation (indoor golf) in a single storey building with ancillary food premises-restaurant (tenancy C1).

The proposed use of the land for showroom sales includes two tenancies within which there are components of the floor area proposed for storage rather than display of bulky goods. The Authority consider that where a parking rate for a warehouse use is applied to these parts, the calculated parking requirement of 173 parking spaces would reduce to 159, resulting in a revised shortfall of 49.

During the meeting the applicant presented results from a recent car parking study which demonstrated that, despite the increase in demand resulting from the proposed showroom sales, and the yet to be occupied existing tenancies, the existing 437 parking spaces will be sufficient to

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service the use of the site. The parking study identified that over the study period the maximum use of the parking area was at 21% (or 41%, when taking into account the demand for 229 spaces for the operational tenancies).

Further, the Authority notes the anticipated varying peak operating times of tenancies and cross utilisation of car parks within the complex, with patrons visiting multiple tenancies on the site in a single trip.

The site is also serviced by public transport with the nearest bus stop located at the front of Gateway Shopping Centre on Roystonea Avenue which is considered to be within reasonable walking distance to the site.

For the above reasons, a 49 bay parking reduction is considered acceptable.

Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC)

The purpose of Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC) is to ensure that new commercial and high density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.

The Authority notes the assessment of the Development Assessment Services (DAS), which concludes that the minimum end of trip facilities for the development is 15 bicycle parking spaces and a single shower and changing facility for staff. The application seeks a variation to the minimum requirements and proposes 12 bicycle parking spaces and no shower and changing facility.

Administratively, the consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required if satisfied that either:

- (a) there are alternative end of trip facilities (on or off the site), where:*
 - i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;*
 - ii. access to the alternative end of trip facilities is safe and convenient for users;*
 - iii. the alternative end of trip facilities are sheltered and secure; and*
 - iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or*
- (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or*
- (c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.*

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The provision of 12 bicycle parking spaces, rather than 15, is considered reasonable in this instance, noting that there will be a maximum of 21 staff anticipated and that customers are less likely to opt to cycle given the nature of the use is typically sale of bulky goods.

The Authority do not support a variation to 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC) to remove the requirement to provide a shower and changing facility. The Authority finds that it would be feasible to provide a single shower and changing facility as part of the development. Further, it would be unreasonable for staff of these premises to rely on the available showers and changing facilities within the Gateway Shopping Centre as they are required to be as close as practical to the associated bicycle parking facilities which would be some 450 metres away.

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The capability of the land to accommodate the development was largely determined through the assessment and approval of two previous Development Permits for a showroom sales building in this approximate location and bulk earth works have previously occurred to provide a building pad. Provided the development implements erosion and sediment control measures, and stormwater flows and quality is effectively controlled, the land is considered capable of accommodating the development as proposed.

3. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposed development is considered to have minimal impact on the existing and future amenity of the area in which the land is situated. The development is surrounded by main roads and no impact on the amenity of any residential areas is anticipated.

The development site has had two previous approvals for a similar showroom sales development and it is considered that the approval of the current development proposal is reasonably anticipated.

The application is considered to have sufficiently demonstrated that there is sufficient capacity within the existing onsite car parking to accommodate the increased parking demand. The building design consists of painted precast panels that will feature graphics and signage. Consideration has been given to landscaping and public interface with an indicative landscaping zone along part of the southern and western boundary.

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For the above reasons, the development of a showroom sales addition is not considered to adversely impact on the amenity of the area.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

RATIFIED AS A RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING

SUZANNE PHILIP
Chair

23 July 2024